

## Chapter Trans 135

### SCHOOL BUS OXIDATION CATALYST GRANT PROGRAM

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**Note:** Chapter Trans 135 was created as an emergency rule effective September 1, 2004.

**Trans 135.01 Purpose and scope. (1) STATUTORY AUTHORITY.** As authorized by s. 110.215, Stats., the purpose of this chapter is to establish the framework for a school bus oxidation catalyst grant program.

**(2) APPLICABILITY.** This chapter applies to diesel fuel-powered school buses customarily kept, and serving school districts, in the counties identified in s. 110.20 (5), Stats.

**History:** CR 04-090: cr. Register April 2005 No. 592, eff. 5-1-05.

**Trans 135.02 Definitions.** Words and phrases defined in s. 110.20 (1), Stats., have the same meaning in this chapter unless a different definition is specified. In this chapter:

**(1) "Department"** means the department of transportation.

**(2) "Diesel oxidation catalyst"** means a device that can be permanently installed along the exhaust train of a diesel vehicle, that contains an enclosed catalyst bed over which exhaust gases pass, and that is designed to substantially reduce hydrocarbon, particulate matter and carbon monoxide emissions.

**(3) "District"** means a school district in one of the counties identified s. 110.20 (5), Stats.

**(4) "Grant"** means a grant to purchase diesel oxidation catalysts.

**(5) "Grant program"** means the school bus oxidation catalyst grant program described in this chapter.

**(6) "School bus company"** means a company that owns or leases one or more school buses that are used exclusively or primarily to transport elementary, middle or high school students to and from their schools on a routine basis throughout the school year.

**(7) "Vendor"** means a company that sells, either directly or through a subsidiary, diesel oxidation catalysts suitable for retrofit installation on diesel fuel powered school buses.

**History:** CR 04-090: cr. Register April 2005 No. 592, eff. 5-1-05.

**Trans 135.03 Grant program administration. (1) GENERAL.** The department of natural resources shall be responsible for reviewing grant requests, awarding grants, evaluating vendor products and credentials, and issuing contracts to one or more vendors for the purpose of supplying grant recipients with diesel oxidation catalysts. The department of transportation shall be responsible for establishing the total grant program fund amount, and for providing this amount from the appropriation identified in s. 20.395 (5) (hq), Stats.

**(2) INTERDEPARTMENTAL COOPERATION.** The department of natural resources shall consult with the department of transportation periodically as appropriate during the administration of the grant program. The purpose of the consultations is to provide updates on expenditures and program status and, when necessary, to seek assistance on program-related issues.

**History:** CR 04-090: cr. Register April 2005 No. 592, eff. 5-1-05.

**Trans 135.04 Grant program funding. (1) GRANT FUND SOURCE.** The grant program shall be funded using funds from the annual motor vehicle emission inspection and maintenance, or I/M, program appropriation established under s. 20.395 (5) (hq), Stats.

**(2) GRANT FUND AMOUNT.** The department of transportation shall establish a one-time, non-recurring grant fund amount sufficient to purchase 300 diesel oxidation catalysts for installation on school buses.

**Note:** The Department established this number through consultation with the Department of Natural Resources. The DNR determined that the lost emission reductions associated with the amendment to s. 110.20(6)(a)1, Stats., exempting two additional model year vehicles from emissions testing could be substantively offset by retrofitting 300 school buses in the program area with oxidation catalysts.

**(3) TIMEFRAMES. (a)** The total grant fund amount shall be encumbered over the fewest number of fiscal years possible subject to the constraint that, in a given fiscal year, the encumbrance cannot exceed the difference between the annual I/M program appropriation and the amount committed to paying all I/M program expenses for that fiscal year.

**(b)** Within 30 days of May 1, 2005, the department shall notify the department of natural resources of the annual I/M program appropriation amount and the amount committed to paying all I/M program expenses for that fiscal year, and initiate the process of encumbering the difference for the grant program. This process shall be repeated at the beginning of each subsequent fiscal year until the full grant fund amount has been encumbered.

**(c)** Subject to the guidelines established in ss. Trans 135.05 and 135.06, the department of natural resources shall spend available grant funds as expeditiously as possible.

**History:** CR 04-090: cr. Register April 2005 No. 592, eff. 5-1-05.

**Trans 135.05 Vendor selection. (1) GENERAL.** The department of natural resources may contract with one or more vendors to supply diesel oxidation catalysts and to install them.

**(2) SELECTION CRITERIA.** The department of natural resources shall select vendors based on evaluation of written proposals that specify all of the following:

**(a)** Unit cost (cost per catalyst).

**(b)** Overall bid cost.

**(c)** Documentation of catalyst effectiveness at reducing pollutant emissions, including presentation of diesel bus-specific data.

**(d)** Ease of catalyst installation and operation.

**(e)** Catalyst compatibility with buses to be retrofitted.

**(f)** Whether the vendor manufactures in, or sells through, a Wisconsin-based facility.

**(g)** EPA retrofit technology verification, reported at [www.epa.gov/otaq/retrofit/retroverifiedlist.htm](http://www.epa.gov/otaq/retrofit/retroverifiedlist.htm).

**(h)** Other criteria that the department of natural resources determines are necessary to facilitate selection of the best vendors.

**History:** CR 04-090: cr. Register April 2005 No. 592, eff. 5-1-05.

**Trans 135.06 Grant recipient selection. (1) ELIGIBILITY.** Grants may be issued only to school districts or school bus companies that own or lease one or more school buses routinely used to transport students to and from school in the counties identified in s. 110.20 (5), Stats. Grants may be issued only to retrofit qualifying buses that were manufactured in any of the 1999 through 2004 model years. Applicants may apply for more than one grant, but only one oxidation catalyst per vehicle is allowed under the grant program.

**Note:** For example, previously retrofitted buses are not eligible for further retrofit grants.

**(2) GRANT REQUEST PROCESS.** Grant applicants shall be required to submit a grant request providing all information required by the department of natural resources. Grant requests shall be accepted throughout the year. The department of natural resources shall expeditiously evaluate requests as received. Once completed, the results of the evaluation shall be reported promptly to the applicant.

**(3) INFORMATION REQUIREMENTS.** The grant request shall include information necessary to determine how well the proposed grant will meet the program's goals. At a minimum, the grant request shall include the following:

- (a) The number of oxidation catalysts sought.
- (b) The model year of each bus to be retrofitted with an oxidation catalyst.
- (c) The vehicle identification number, or other unique identifier, of each bus.
- (d) The county in which each bus operates.
- (e) Any other vehicle-specific information that the department of natural resources deems to be helpful in evaluating the merits of each grant request.

**(4) GRANT REVIEW CRITERIA.** The department of natural resources may award grants only for the purpose of equipping school buses that are customarily kept, and serve school districts, in the counties identified in s. 110.20 (5), Stats., with oxidation catalysts. At a minimum, grant requests shall be evaluated based on the following criteria:

- (a) Timeliness of grant request. This criterion does not apply to requests received within 30 days of May 1, 2005. After that date, grant request review and resultant issuance of grants shall be on a first-come, first-serve basis.
- (b) Model year of buses to be retrofitted. Preference shall be given first to model year 2004 buses, then model years 2003, 2002, 2001, 2000 and 1999 buses, respectively.
- (c) Usage level, with preference given to higher-capacity buses and buses that are used more intensively for transporting students.

**(5) GRANT AMOUNTS.** Subject to fund availability and the re-

sult of the grant request review process, grant applicants may receive a grant for an amount sufficient to cover the purchase of the requested number of diesel oxidation catalysts. The department of natural resources may also, at its discretion and according to criteria established in this section, award a grant for fewer oxidation catalysts than the number requested. Grant amounts may exceed the purchase cost only for the exception established in sub. (6). Grants may not be used to pay for any vehicle operation or maintenance costs, even if the costs are associated with retrofitted oxidation catalysts.

**(6) EXCEPTION.** Grant applicants unable to install the diesel oxidation catalysts may request, and may receive, a grant sufficient to pay for both purchase and installation of the catalysts. Applicants under this subsection shall provide sufficient explanation of their inability to install the catalysts.

**(7) GRANT AWARD CONDITIONS.** Upon receiving notification of a grant, each recipient shall be required to:

- (a) Sign a statement certifying that, barring unforeseen and unavoidable circumstances, for at least 5 years each retrofitted bus will comply with all of the following:
  1. Remain in the applicant's possession.
  2. Operate in its current capacity as a school bus.
  3. Operate predominantly in one or more of the counties identified in s. 110.20 (5), Stats.
- (b) Sign a statement certifying that, to the extent possible, the applicant will undertake anti-idling measures for each bus on which an oxidation catalyst is installed.
- (c) Agree to schedule all oxidation catalyst installations within 30 days of delivery.

**(8) REPORTING REQUIREMENTS.** For each bus retrofitted under this grant program, within 90 days of the grant award date anniversary, the grant recipient to the best of its ability shall report the following information to the department of natural resources annually:

- (a) Annual hours of operation.
- (b) Annual miles traveled.
- (c) Estimated annual number of students transported.
- (d) Area in which the bus customarily transported students.
- (e) The extent to which the recipient has practiced anti-idling measures over the past year.

**History:** CR 04-090: cr. Register April 2005 No. 592, eff. 5-1-05.

**Trans 135.07 Grant program termination.** The department shall cease to encumber funds for the grant program as soon as the total grant fund amount has been spent or on June 30, 2008, whichever is earlier.

**History:** CR 04-090: cr. Register April 2005 No. 592, eff. 5-1-05.